



45259.000008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3623 : PATENT APPLICATION
In re application of :
SETH RICHARDS et al. : PRODUCT CLASSIFICATION SYSTEM
AND METHOD FOR RETAIL SALES
Serial No. 10/628,547 :
Filed July 28, 2003 :

**PETITION FOR ADVANCEMENT OF EXAMINATION
UNDER 37 C.F.R. § 1.102(d)**

Philadelphia, Pennsylvania 19103

August 6, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request advancement of the examination of the above-titled application as provided for under 37 C.F.R. § 1.102(d). This Petition is accompanied by a check in the amount of \$130.00 to cover the petition fee. The Office is authorized to charge any additional amounts or refund any overpayment to Deposit Account No. 50-2194.

The present application contains 37 claims, 3 independent and 34 dependent claims. In the event that the Office determines that all claims presented are not obviously directed to a single invention, Applicants will make an election without traverse.

08/10/2004 AWONDAF1 00000052 10628547

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An Information Disclosure Statement was submitted on October 14, 2003 identifying relevant art. A copy of that Information Disclosure Statement and those cited references are attached hereto:

United States Patent No. 5,174,537 to Mazzorato
United States Patent No. D327,173 to De Leu
United States Patent No. 6,349,863 to Frye
United States Patent No. 5,944,237 to Gouldson

An additional pre-examination search of the art was made by the undersigned attorney on the United States Patent and Trademark Office online database which is available at www.uspto.gov. The following classes and subclasses were searched:

Class 002, subclasses 001, 075, 080, 239, 246
Class 036, subclasses 031, 044, 086, 100, 101, 103
Class 223, subclasses 085, 088-092, 095
Class 434, subclasses 098-100, 395-400
Class 705, subclasses 010, 014, 016, 026, 028

As a result of this search, additional relevant references were discovered, as listed below.

These references will be submitted in a Supplemental Information Disclosure Statement.

United States Patent No. 4,854,880 to Nasby
United States Patent No. 5,825,651 to Gupta et al.
United States Patent No. 5,967,562 to Tubbs et al.

The present invention is directed to a method of classifying and displaying consumer goods, specifically, footwear-related goods and accessories, based on the desired consumer "use" for those goods. The method provides that consumer goods, such as socks, insoles, shoes, and shoe care products, are labeled according to consumer "uses" or desired "performance" such as "Performance", "Outdoor", or "Comfort", so that consumers can select and purchase goods, in particular, footwear accessories, in order to maximize their use of those goods. The classification system entails the use of icons that use text, graphics, color, texture and/or a

combination thereof. The icons represent the different "use" categories from which consumers can select one or more items designed to maximize that use of the item(s). The method of labeling/classifying those goods and selling them in groups at a point of sale display for ease of consumer selection and purchase is novel.

The cited references disclose color-coordination systems, and separate racks and apparatus for displaying goods, but none of the references show a method of classifying goods based on "use" or performance requirements of the consumer, labeling the goods using specific icons, and displaying them in groupings in such a manner that the goods are easy to select and buy.

Mazzenga (U.S. Pat. No. 3,775,775) discloses a method of forming coordinated sets of clothing based on using pictures of things like animals on clothing, the same animal being on each item-in-a-coordinated set. Although this method may assist individuals in selecting appropriate garments that "match" with regard to fashion, the matching scheme tells the consumer nothing about the performance for which the garments are made or suitability for a particular planned use or activity. The independent claims of the Applicants' invention, Claims 1, 19, and 25 require the classification of goods in "use groups based on the intended use" of the goods. Accordingly, Mazzenga does not disclose or suggest Applicants' claimed invention.

Nasby (U.S. Pat. No. 4,854,880) discloses a color coordination system that uses numbered tags to match clothing items in order to coordinate wardrobe outfits. Similarly, Noto et al. (U.S. Pat. No. 4,514,178) describes a method of coordinating clothing tops and bottoms using colored hangtags. These methods may facilitate selection of matching outfits on the basis of fashion, however, they again fail to indicate the particular planned use or "performance" of the

goods, as required by Applicants' claims. Accordingly, Nasby and Noto do not disclose or suggest Applicants' claimed invention.

Tubbs et al. (U.S. Pat. No. 5,967,562) discloses a method of labeling various consumer items based on the manufacturer's style and color scheme. Although this method may enable the consumer to match goods based on fashion, it does not provide the mechanism, nor any suggestion or motivation, to label goods according to desired performance such that one or more goods may easily be selected by consumers looking for a particular performance attribute, or planning to use those goods for a particular type of activity as required by Applicants' claims. Accordingly, Tubbs et al. does not disclose or suggest Applicants' claimed invention.

Gupta et al. (U.S. Pat. No. 5,825,651) discloses a method of custom building a system, such as an automobile, by selecting available components or parts that are related or classified as being available for certain types of systems. This reference does not disclose classifying goods according to desired consumer use, such as clothing and footwear items, as required by Applicants' claims, without requiring relationships between the goods, i.e. "part relationships" or configuring an overall system utilizing those parts and part relationships. Accordingly, Gupta et al. does not disclose or suggest Applicants' claimed invention.

Gouldson (U.S. Pat. No. 5,944,237) discloses a method for color coding sizes of garments wherein each size is coded with a particular color to help consumers more readily select their desired size. However, this method does not describe or suggest the classification of consumer products based on desired use or performance of the particular goods, as required by Applicants' claims, using labels that incorporate text, graphics, color, texture and/or a

combination thereof. Accordingly, Gouldson does not disclose or suggest Applicants' claimed invention.

Not only do the references discussed above fail to disclose a method of classifying and labeling consumer goods according to desired use or performance, there is no teaching or suggestion in any reference to modify that existing reference to a method of classifying and grouping for sale individual or multiple consumer goods based on use or performance alone.

Finally, all of the references discussed above also fail to disclose a method and system whereby the classified products are sold at a point-of-sale display enabling consumers to compare the performance-based icons on the products of the present invention with a guide that explains the product classification scheme. Independent Claim 19 requires labeling footwear-related products with icons representing "use" groups, displaying those products together, and displaying a main information guide to assist consumers in selecting goods in accordance with their desired use/performance of those goods. Independent Claim 25 requires classification of consumer goods into "use groups", display of the goods in those groups, and at least one information guide depicting the use groups, to aid in consumer product selection.


Additional references cited in the Information Disclosure Statement, Mazzorato (U.S. Pat. No. 5,174,537), De Leu (U.S. Pat. No. D327,173), and Frye (U.S. Pat. No. 6,349,863) each disclose an apparatus or support for displaying one or more garments for sale. Although these apparatus provide the means for displaying consumer goods, they fail to provide the method for organizing and classifying consumer goods based on use, such that those classified goods once on display are easy to select and buy, using the novel classification scheme. As discussed above, Independent Claims 1, 19 and 25 require classification of consumer goods into "use groups."

Accordingly, Mazzorato, De Leu, and Frye do not disclose or suggest Applicants' claimed invention.

Although only the independent claims have been explicitly discussed herein, the dependent claims include the limitations of the independent claims from which they depend. As such, the references discussed herein do not disclose all of the limitations of Applicants' Claims 1 through 37. Consequently, the Applicants respectfully submit that claims are patentable over the prior art.

Having provided the information set forth in Section 708.02-VIII of the MPEP and paid the required fee, Applicants respectfully request accelerated examination of the above-identified application.

Respectfully submitted,


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August 6, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Patent Application
Serial No.: 10/628,547
Filing Date: July 28, 2003
Group Art Unit 3623

Dear Sir:

I have enclosed for filing with the U.S. Patent and Trademark Office the following documents:

- Petition for Advancement of Examination Under 37 C.F.R. § 1.102(d)
- Check in the amount of \$130.00 for the filing fee
- Certificate of Mailing dated August 6, 2004
- Return Receipt Postcard

The Commissioner is authorized to charge any shortages to Deposit Account No. 50-2194.

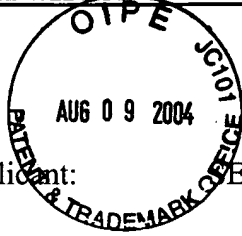
Very truly yours,

Karen P. Crowley

KPC/k
Enclosures

#660164-v1

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)



Name of Applicant: JETH RICHARDS, et al

Docket No. 45259.000008

Serial Number: 10/628,547

Filed: July 28, 2003

Group Art Unit: 3623

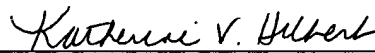
Patent Application: PRODUCT CLASSIFICATION SYSTEM AND METHOD
FOR RETAIL SALES

I hereby certify that this Petition for Advancement of Examination Under 37 C.F.R. § 1.102(d) is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents, Mail Stop Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 6, 2004

Katherine V. Hilbert

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)



CLAIMS TO U.S. PATENT APPLICATION SERIAL NO. 10/628,547

A method for marketing products based on the intended use of said products, the method comprising classifying a plurality of products into a plurality of use groups based on the intended use of said products, then designating each of said use groups by one or more icons specific to each of said use groups, and displaying said products such that a consumer can select one or more products in each use group based on the one or more icons.

2. The method of claim 1 wherein said one or more icons designate said products using a combination of identifying features selected from the group consisting of text, graphics, color, texture, and a combination thereof.
3. The method of claim 2 wherein each one of said one or more icons comprises a foreground and a background, wherein said foreground comprises text, and graphics corresponding to a particular use group, said foreground text and graphics being in one or more colors, and wherein said background comprises background graphics in one or more background colors, said one or more background colors differing from said one or more foreground colors.
4. The method of claim 3, wherein
 - a first icon represents a first use group, the text of said first icon foreground comprising "SOF SOLE" and "COMFORT";
 - a second icon represents a second use group, the text of said second icon foreground comprising "SOF SOLE" and "PERFORMANCE"; and
 - a third icon represents a third use group, the text of said third icon foreground comprising "SOF SOLE" and "OUTDOOR".
5. The method of claim 4 wherein said first use group comprises "Comfort Cushion" and "Comfort Light" sub-groups, said second use group comprises "Performance

Cushion" and "Performance Light" sub-groups, and said third use group comprises "Outdoor Cushion" and "Outdoor Light" sub-groups.

6. The method of claim 4, wherein said one or more background colors belonging to each of said first icon, second icon and third icon are different.
7. The method of claim 3 wherein said background graphics comprise a foot, a number, and at least one semi-circle in one or more colors, said at least one semi-circle providing the background for said foreground text.
8. The method of claim 1 wherein said products comprise footwear-related products, said footwear-related products comprising socks, insoles, shoes, and shoe-care related products.
9. The method of claim 2 further comprising utilizing the packaging of said products to represent each of said use groups and distinguish each of said use groups from one another.
10. The method of claim 9 wherein said packaging comprises product information, the icon specific to that product use group, packaging graphics, and a packaging background.
11. The method of claim 1 wherein said displaying is performed using a point-of-sale display.
12. The method of claim 11 wherein said point-of-sale display comprises a vertical member and a plurality of horizontal protrusions extending from said vertical member.
13. The method of claim 12 wherein said vertical member comprises a wall, rod, or stand.
14. The method of claim 12 wherein said horizontal protrusions comprises shelves, hooks, rods, hangers, Velcro, or tape.

15. The method of claim 11 further comprising displaying a main information guide to assist consumer selection of said consumer products wherein said main information guide comprises said one or more icons and printed information conveying the correspondence of said one or more icons to said respective use groups.
16. The method of claim 15 wherein said main information guide is situated on or near said point-of-sale display.
17. The method of claim 16 wherein said point-of-sale display comprises an electronic display.
18. The method of claim 17 wherein said electronic display comprises a digital or computerized display, said digital or computerized display comprising a screen and a plurality of images arrayed on said screen displaying said products and said main information guide.
19. A method for marketing consumer footwear-related products based on the intended use of said products, the method comprising:
 - classifying a plurality of footwear-related products into a plurality of use groups based on the intended use of said products;
 - designating each of said use groups with one or more icons specific to each of said use groups;
 - labeling said footwear-related products with said one or more icons representing said use groups;
 - displaying said products at a point-of-sale display; and
 - displaying a main information guide that provides said one or more icons such that a consumer can select one or more products in each use group based on the one or more icons.

20. The method of claim 19 wherein said main information guide is located proximally to said products.
21. The method of claim 19 wherein said products comprise socks, insoles, shoes, and shoe-care products.
22. The method of claim 19 wherein said use groups comprise "Comfort", "Performance" and "Outdoor", said use groups comprising "Comfort Cushion", "Comfort Light", "Performance Cushion", "Performance Light", "Outdoor Cushion" and "Outdoor Light" sub-groups.
23. The method of claim 19 wherein said one or more icons each comprise a foreground and a background, said foreground comprising foreground text and one or more graphics, and said background comprising background text and one or more graphics.
24. The method of claim 23 wherein said foreground text comprises "SOF SOLE" and the name of the use group for that product, and wherein said one or more background graphics comprises a foot, a number, and at least one semi-circle of one or more colors, said at least one semi-circle providing the background for said foreground text.
25. A system for selling consumer goods based on the intended use of said goods, the system comprising:
 - a plurality of use groups based on the intended use of said goods;
 - a display for said goods classified into said plurality of use groups;
 - at least one information guide depicting said use groups, wherein said use groups are represented by one or more icons specific to each of said use groups; and
 - product packaging information.
26. The system of claim 25 wherein said consumer goods are footwear-related products.

27. The system of claim 26 wherein said footwear-related products comprise socks, insoles, shoes, and shoe-care products.
28. The system of claim 25 wherein each one of said one or more icons designate said use groups using a combination of identifying features selected from the group consisting of text, graphics, color, texture, and a combination thereof.
29. The system of claim 28 wherein each one of said one or more icons comprises a foreground and a background, wherein said foreground comprises foreground text and graphics corresponding to a particular use group, said foreground text and graphics being in one or more foreground colors, and wherein said background comprises background graphics in one or more background colors, said one or more background colors differing from the one or more foreground colors.
30. The system of claim 25, wherein
 - a first icon represents a first use group, the text of said first icon foreground comprising "Comfort";
 - a second icon represents a second use group, the text of said second icon foreground comprising "Performance"; and
 - a third icon represents a third use group, the text of said third icon foreground comprising "Outdoor".
31. The system of claim 30 wherein said first use group comprises first sub-groups, said first sub-groups comprising "Comfort Cushion" and "Comfort Light", said second use group comprises second sub-groups, said second sub-groups comprising "Performance Cushion" and "Performance Light", and said third use group comprises third sub-groups, said third sub-groups comprising "Outdoor Cushion" and "Outdoor Light".
32. The system of claim 30 wherein said at least one information guide comprises a main information guide located proximal to said goods and wherein said product packaging comprises one of said icons, product information, packaging graphics, and a

packaging background color, said packaging background color being the same color as said one or more icon background colors.

33. The system of claim 25 wherein said display is a point-of-sale display, said point-of-sale display comprising a vertical member and a plurality of horizontal protrusions extending from said vertical member.
34. The system of claim 33 wherein said vertical member comprises a wall, rod, or stand.
35. The system of claim 33 wherein said horizontal protrusions comprises shelves, hooks, rods, hangers, Velcro, or tape.
36. The system of claim 33 wherein said point-of-sale display comprises an electronic display.
37. The system of claim 36 wherein said electronic display comprises a digital or computerized display, said digital or computerized display comprising a screen and a plurality of images arrayed on said screen displaying said products and said information guide.